Law of the DPRK on Marine Casualty Investigation

Adopted by Decree No. 1175 of the Presidium of the Supreme People's Assembly
on 24 June, Juche 105 (2016)

Chapter 1 Fundamentals

Article 1 Objective

This Law is enacted with a view to ascertaining the true cause of any marine casualty or incident and preventing recurrence of similar casualties or incidents by establishing a strict and sound system of reporting, investigating, deliberating and concluding such casualty or incident.

Article 2 Clarification of the marine casualty or incident

A marine casualty or incident means an event that has resulted in any of the following which has occurred directly in connection with the navigation, anchorage and operation of a ship:

1. the death or missing of, or injury to, a person, and the loss of property;
2. collision, stranding, grounding, capsize, foundering or sinking of a ship;
3. fire or explosion;
4. damage to the structure ashore or adrift;
5. failure of, or damage to, any main equipment or spare part; and
6. pollution of the sea, river or lake.

Article 3 Principles of reporting any marine casualty or incident

Reporting any marine casualty or incident in time is very important in saving human life and minimizing damage to property or environment.

The State shall have the rigid system of reporting marine casualties or incidents in place.

Article 4 Principles of marine casualty investigations

The thorough investigation into a marine casualty or incident is prerequisite for ascertaining the cause thereof.

The State shall ensure the timeliness, comprehensiveness and scientific accuracy in any marine casualty investigation.

Article 5 Principles of marine casualty deliberation

The marine casualty deliberation is very important in analyzing the cause of marine casualties or incidents and taking actions to prevent the recurrence thereof.

The State shall ensure the objectivity, discretion and impartiality in any marine casualty deliberation.

Article 6 Exchange and cooperation in the field of the marine casualty investigation

The State shall ensure that exchange and cooperation with other States and international organizations are fostered in the field of the marine casualty investigation.

Chapter 2 Reporting a marine casualty or incident

Article 7 Establishment of the system for reporting marine casualties or incidents
The national maritime authority and other relevant authorities shall establish the well-ordered system for reporting marine casualties or incidents to ensure that a marine casualty or incident is reported as soon as it has happened to any institution, enterprise or organization.

Article 8 The obligations of ships to report marine casualties or incidents
When a marine casualty or incident occurs, a ship shall report to the maritime administration organs and any other relevant organs as soon as possible, using the radio equipment and any other available means. In this case, the report shall include the name of the ship, flag State, departure port, destination, ownership, operator, the time and place of occurrence, summary, damaged condition, meteorological condition, rescue needed, etc.

Article 9 The obligations of institutions, enterprises and organizations and citizens to report marine casualties or incidents
Institutions, enterprises, organizations and citizens who witnessed any marine casualty or incident shall immediately inform the maritime administration organs and any other relevant organs thereof.

Article 10 Submission of the marine casualty report
When a marine casualty or incident occurs to a ship, the master of such ship shall prepare and summit the marine casualty report to the relevant maritime administration organs. The report shall contain detailed information including the name of the ship, flag State, port of registry, owner, operator, the ship's particulars, time and place of occurrence, summary, meteorological condition, damaged condition, etc.

Article 11 Preservation of evidence relating to marine casualties or incidents
A ship involved in a marine casualty or incident shall preserve all the evidence including its logbooks (deck and engine), work record, chart, written notes, records of the navigational equipment as well as any objects damaged such as damaged hull, engine, equipment, etc. Any change or alteration of evidence inevitably made for the purpose of reducing damage or ensuring safe operation shall be recorded.

Chapter 3 An investigation into a marine casualty or incident

Article 12 Mandatory marine casualty investigation
A ship involved in a marine casualty or incident shall be investigated by the maritime administrative organ. A foreign-flag ship involved in a marine casualty or incident which occurred within the DPRK waters shall be investigated by the maritime administrative organ in liaison with the ship agency.

Article 13 Jurisdiction for a marine casualty investigation
The marine casualty investigation shall be undertaken by the maritime administration organ that has jurisdiction over the waters where such casualty occurred. The jurisdiction shall be assigned by the national maritime authority.
When necessary, the national maritime authority may conduct the investigation by itself into a marine casualty or incident, irrespective of the jurisdiction.

Article 14 Arrangement for the marine casualty investigation
The maritime administration organ, upon reception of the report of a marine casualty or incident, shall dispatch the investigators immediately.
The investigators shall conduct an investigation into the marine casualty or incident in accordance with the standards and methods required by the national maritime authority.
The investigation shall be conducted by suitably qualified personnel.

Article 15 A joint investigation into a marine casualty or incident
Subject to any reached agreement with another substantially interested State, the maritime administration organ may conduct a joint investigation with such State.

Article 16 Access to the accident spot
The marine casualty investigators may be provided with access to any spot or area, involved in the marine casualty or incident, including the ship, sea, sea trading place, river, lake, harbor, quay, etc.

Article 17 Interviews for a marine casualty investigation
The marine casualty investigators may require the master or any person concerned to explain the related marine casualty or incident.
When necessary, the investigators may ensure that any seafarer concerned is disembarked for inquiry.

Article 18 Review of documents for the marine casualty investigation
The marine casualty investigators may require of the master and any relevant institution, enterprise or organization concerned access to any document necessary for their investigations.

Article 19 An inspection of an accident spot
The marine casualty investigators may inspect any place or article involved in a marine casualty or incident and, as appropriate, dismantle any suspectable equipment or parts for photographing, measuring and analyzing.

Article 20 An expert appraisal
The marine casualty investigators may request an appraisal, in connection with a marine casualty or incident, to a specialized agency.
The agency shall ensure that, upon the above request, the expert appraisal is made and reported in time.

Article 21 Verification of information
The marine casualty investigators may receive a written statement from any person concerned so as to verify the trueness of the information provided by him/her.
Such written statement shall include the interviewee's name, signature, age, position and relevant verification.

Article 22 Request of interpretation
The marine casualty investigators may request interpretation to the relevant agency, when they are investigating a foreign-flag ship involved in a marine casualty or incident.

In this case, the relevant agency shall provide interpreter(s).

Article 23 Prohibition of mobility and onboard service of the person concerned
In case of being requested by the marine casualty investigators, the institution, enterprise or organization shall forbid the person concerned his/her mobility and onboard service until the completion of the investigation.

Article 24 Suspension of the ship's operation
The maritime administration organ may suspend the operation of a ship involved in a marine casualty or incident for 7 days for the purpose of the investigation.
In a special case, the suspension period may be extended under the approval of the national maritime authority.
The ship being investigated shall not leave the appointed place within the suspension period.

Article 25 Development of the marine casualty investigation report
The marine casualty investigator shall develop the marine casualty investigation report upon the completion of the investigation.
The marine casualty investigation report shall include, but not limited to, what happened, why it happened, what it damaged and what to recommend.

Chapter 4 Deliberation of a marine casualty or incident

Article 26 The marine casualty deliberation organ
Deliberation of a marine casualty or incident shall be carried out by the maritime administration organ which investigated such casualty or incident.
The maritime administration organ shall have the Marine Casualty Panel in place aiming at deliberation of any marine casualty or incident.

Article 27 The marine casualty deliberation period
The maritime administration organ shall hold a meeting of the Marine Casualty Panel within 30 days from the date of the completion of the investigation.
Institutions, enterprises or organizations shall forbid any person concerned his/her mobility or onboard service until the completion of deliberation.

Article 28 Participants in the Marine Casualty Panel meeting
The Marine Casualty Panel meeting is open to members of the Marine Casualty Panel, investigator(s), any person concerned and witnesses.
In case any foreigner is involved, an interpreter may attend the meeting.
Any person who is kinship of or has other interests with any person involved in the relevant marine casualty or incident has no access to the meeting.

Article 29 Marine casualty deliberation
The Marine Casualty Panel shall deliberate the background information and cause of the marine casualty or incident as well as the damage caused thereby and decide the proceedings against the person concerned in the meeting.

Article 30 Proceedings against the person involved in the marine casualty or incident
The Marine Casualty Panel may apply appropriate administrative penalty such as

qualification of suspension, degradation and disqualification of the person concerned, depending on the seriousness of the marine casualty or incident.
In case that the severe administrative or criminal penalty is applicable, the Panel shall refer the relevant information to the Socialist Law-Observance Guidance Committee or the appropriate judicial organ.

Article 31 The appeal against the decision of the Marine Casualty Panel
The person concerned who has any different opinion against the decision of the Marine Casualty Panel may file an appeal to the national maritime authority within 15 days from the date of the decision.

Article 32 Addressing an appeal
If an appeal is recognized reasonable against the decision from the marine casualty deliberation, the national maritime authority may independently rearrange investigation and deliberation, on the basis of which it may cancel the existing decision of the relevant maritime administration organ and adopt a revised decision accordingly.
If such appeal is considered unreasonable, the national maritime authority shall inform the appealer thereof.

Article 33 Issuance of certificates of marine casualty
The maritime administration organs may, if so requested, issue certificates of marine casualties to the relevant institutions, enterprises, organizations or citizens.
Such certificates should include the date and place of occurrence, death roll, damage, etc.

Chapter 5 Guidance and control over the marine casualty investigation

Article 34 Guidance on marine casualty investigations
The marine casualty investigation shall be governed by the national maritime authority under the coordinated leadership of the Cabinet.
The national maritime authority shall undertake regular guidance over the report, investigation and deliberation of any marine casualty or incident.

Article 35 Provision of conditions for marine casualty investigations
The relevant institutions, enterprises and organizations or citizens shall provide the maritime administration organs with anything needed to facilitate the investigation into and deliberation of a marine casualty or incident.
Any violation including refusal of the request from the maritime administration organ in connection with the investigation into or deliberation of a marine casualty or incident, secretion or removal of any materials or evidence concerned, etc. shall be prohibited.

Article 36 Marine casualty notification abroad
The maritime administration organs may notify a marine casualty or incident to the relevant international organizations or the flag State in accordance with the applicable international conventions.

Article 37 Supervision and control over marine casualty investigations
Supervision and control over marine casualty investigations shall be undertaken by

the national maritime authority and the relevant supervisory organs which shall monitor and control the implementation of the State's policy for marine casualty investigations.

Article 38 Resolution of the property dispute arising from a marine casualty or incident

The property dispute arising from a marine casualty or incident may be resolved by means of negotiation, arbitration or litigation.

Article 39 The charge of altering or removing the relevant materials

Any person who obstructed a marine casualty investigation by altering or removing the relevant materials including logbooks (deck and engine), work record and charts shall be charged therewith.

Article 40 Sanctions against the foreign-flag ship involved in a marine casualty or incident

Any foreign-flag ship involved in a marine casualty or incident which occurred within the DPRK waters shall be subject to suspension of its operation, compensation or fines.

Article 41 Imposition of administrative or criminal penalties

Any official of institutions, enterprises or organizations as well as any individual citizen who caused serious consequences as a result of violation of this Law shall accordingly be subject to the administrative or criminal penalty.

Article 42 Complaints and handling thereof

A complaint may be sent to the relevant organ in case the investigation, deliberation and conclusion of a marine casualty or incident are considered inappropriate.

The relevant organ shall handle such complaint within 30 days from reception of it and inform the complaint maker of the result thereof.